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SUBCHAPTER 11. PETROLEUM UNDERGROUND STORAGE TANK REMEDIATION UPGRADE AND CLOSURE FUND

7:26C-11.1 Scope

This subchapter sets forth the requirements for any person to apply for a loan and/or grant from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund, to fund projects eligible pursuant to the Underground Storage Tank Finance Act, N.J.S.A. 58:10A-37.

7:26C-11.2 Application for loans and grants

(a) An applicant for a loan and/or a grant from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund shall submit an application on forms available from the Department and a written request, certified in accordance with N.J.A.C. 7-26C-1.2(a)1, to the Department which includes the following information:

1. A statement by the applicant that the remediation is being conducted in accordance with an oversight document executed pursuant to N.J.A.C. 7:26C or that the upgrade or closure of an underground storage tank is being conducted pursuant to N.J.A.C. 7:14B. The statement shall include, as applicable, the name of the Department bureau overseeing the remediation, the program interest name and program interest number (preferred ID) if known and the name of the assigned Department case manager;

2. For tanks regulated pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-23, a statement by the applicant that the underground storage tank has been properly registered pursuant to N.J.A.C. 7:14-2;

3. For underground storage tanks regulated pursuant to the Water Pollution Control Act, N.J.S.A. 58:10A-23, the registration number;

4. A statement by the applicant as to whether the application is for a loan, a grant, or both;

5. A statement by the applicant as to which of the following provisions of the Underground Storage of Tank Finance Act, N.J.S.A. 58:10A-37. et seq. apply to the applicant's request:

- i. A discharge of petroleum has occurred which poses an imminent and significant threat to drinking water sources, human health or to environmentally sensitive areas as defined pursuant to the Technical Requirements for Site Remediation, N.J.A.C. 7-26E;

- ii. The regulated tank is required to be upgraded pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 et seq., including necessary remediation;

- iii. The regulated tank is required to be closed pursuant to Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991 et seq., including necessary remediation;

- iv. The regulated tank is required to be upgraded pursuant to the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., but not pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991, including necessary

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remediation;

v. The regulated tank requires the remediation of a discharge other than those give priority above;

vi. The regulated tank is required to be closed pursuant to the Underground Storage of Hazardous Substances Act, N.J.S.A. 58:10A-21 et seq., but not pursuant to the Resource Conservation and Recovery Act, 42 U.S.C. §§ 6991, including necessary remediation; or

vii. The underground storage tank requires the remediation of a discharge of heating oil from an underground storage tank used to store oil for on-site consumption in a residential building;

6. A statement by the applicant whether an application has been made to any other funding source for a loan or grant, such as the Hazardous Discharge Site Remediation Fund or the New Jersey Spill Compensation Fund;

7. A statement as to whether the applicant has previously received monies from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund for the remediation, or the closure or upgrade of an underground storage tank;

8. A detailed description of the work to be completed under the loan and/or grant in accordance with the requirements of Underground Storage Tank Rule, N.J.A.C. 7:14B and the Technical requirements for Site Remediation, N.J.A.C. 7:26E;

9. A detailed cost estimate for the completion of work listed at (a)8 above. For an underground storage tank regulated pursuant to Underground Storage Tank Rule, N.J.A.C. 7:14B, a contractor certified pursuant to Underground Storage Tank Rule, at N.J.A.C. 7:14B-13 shall provide the cost estimate;

10. The total amount of loan or grant requested;

11. A statement as to whether the applicant is in violation of any Department requirements, or owes the Department any outstanding fees or penalties.

i. Any applicant not in compliance with all applicable Department rules and regulations shall submit a written description of, and explanation for such noncompliance, including a list of violations and outstanding fees, or penalties. The applicant shall specifically state whether the violations, fees, or penalties are currently being contested in a manner prescribed by law and whether the violations, fees or penalties resulted from a lack of financial resources to perform the required remediation;

12. For applicants other than public entities or owners or operators of an underground storage tank used to store heating oil for on-site consumption in a residential building, a statement that the applicant has applied to a bank, insurance company or other financial institution and has been rejected for a loan or grant or coverage. The applicant shall supply a copy of the rejection letter to the Department.

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13. The last three annual financial statements of the applicant. An applicant who is a homeowner applying to remediate discharges at the applicant's domicile shall submit the applicant's last three Federal income tax returns; and

14. A certification by an applicant who is requesting a conditional hardship grant which states the following:

i. "I certify that I owned or operated the subject petroleum underground storage tank system(s) as of December 1, 1996 and continually thereafter or inherited the property from a person who owned the petroleum underground storage tank system(s) as of that date"; and

(1) I have a taxable income less than \$100,000 per year;

(2) My net worth, exclusive of my primary residence, is less than \$100,000; or

(3) The net worth of my business that owns or operates less than 10 underground storage tank systems is less than \$2,000,000.

(b) A person seeking to amend their approved loan or grant award shall submit to the Department the information required in N.J.A.C. 7:26C-11.2(a) with respect to the amendment.

(c) The Department shall review the applicant's request for a loan and/or a grant, or amendment thereto, based on the information provided by the applicant in accordance with (a) above and shall notify the applicant in writing within 30 calendar days after receipt of the application as follows:

1. The applicant's request for a loan and/or a grant, or amendment thereto, is administratively and technically complete and the Department has referred the request to the Authority for financial review in accordance with N. J. A. C. 19:31 -11.

2. The applicant's request for a loan and/or a grant, or amendment thereto, is administratively or technically incomplete and the Department cannot take further action on the application until the deficiencies listed in the Department's notification are corrected; or

3. The applicant is not eligible for a loan or grant, or amendment thereto, from the Petroleum Underground Storage Tank Remediation, Upgrade and Closure Fund and a statement of the reason(s) therefor.

7:26C-11.3 Grants for reimbursement of prior remediation costs

(a) A person responsible for conducting remediation may apply for a grant for reimbursement of remediation costs which occurred prior to application provided:

1. The remediation costs were incurred after August 30, 1997; and

2. The remediation associated with the remediation costs was conducted with Department oversight.

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7:26C-11.4 Disbursements of grants and loans

A person responsible for conducting remediation of a site using a loan or a grant shall comply with N.J.A.C.7:26C-7.10 for the disbursement of funds.